

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Harry Thomas Kloor	
Serial No:	09/714,018	
Filed:	November 16, 2000	Group Art Unit: 3627
Title:	DUAL TRANSACTION AUTHORIZATION SYSTEM AND METHOD	Examiner: Maria Teresa T. Thein
Docket No:	18822-11	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. 1.131

PURPOSE OF DECLARATION

1. This declaration is to establish prior invention of the invention in this application in

- ☒ the United States
☐ the NAFTA country _____ (name of country)
☐ the WIPO country _____ (name of country)

at a date prior to the effective date(s) of the cited art:

- ☐ publication(s)
☒ patent(s)

that was cited by the

- ☒ Examiner.
☐ Applicant.

2. The person making this declaration is (are):

- ☒ the inventor(s).
- ☐ only some of the joint inventor(s) (and a suitable excuse is attached for failure of the omitted joint inventor(s) to sign).
- ☐ the party in interest (and a suitable explanation as why it is not possible to produce the declaration of the inventor(s) is attached).

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of the invention of this application, the following documents and/or models are submitted as evidence:

(check all applicable items below)

- ☐ system description/design.
- ☐ sketches.
- ☐ blueprints.
- ☐ photographs.
- ☒ reproduction(s) of notebook entries submitted to the Examiner in the response of May 17, 2007
- ☐ model.
- ☐ supporting statement(s) by witness(es) (where verbal disclosures are the evidence relied upon).
- ☐ interference testimony.
- ☐ invention disclosure documents.

From these documents and/or models, it can be seen that the invention in this application was made

- ☐ on _____
- ☒ at least by the date of October 4, 1997, which is a date earlier than the issue date of the reference(s).

I, Harry Thomas Kloor, sole inventor of the above-identified application, hereby declare as follows:

4. I invented a system and method of a dual transaction authorization, the object of the present invention as described and claimed in the application serial number 09/714,018 ("the

'018 application"). The '018 application claims priority to U.S. provisional application serial number 60/166,837, filed on November 22, 1999, and therefore has an effective filing date of November 22, 1999.

5. I have reviewed the Office Action dated July 19, 2007, and U.S. Patent No. 6,473,740 to Cockrill et al.; U.S. Patent No. 6,055,505 to Elston; U.S. Patent No. 6,330,550 to Brisebois et al.; U.S. Patent No. 6,330,672 to Shur; U.S. Patent No. 6,442,526 to Vance et al.; and U.S. Patent No. 6,390,362 to Martin. I understand that the Examiner considered my signed declaration and supporting evidence filed on May 17, 2007, but found the declaration ineffective to overcome the Cockrill, Elston, Brisebois, Shur, Vance, and Martin references.

6. I invented the subject matter of the '018 application at least as early as October 4, 1997, as is evidenced in the notebook entries attached to the response of May 17, 2007, dated on the top right of the page as "Oct 1997 4", and notated on the bottom of the pages as 10, 11, and 12, respectively.

7. Consistent with Claim 1, my October 4, 1997 notebook entries describe a "SAFE CARD User Authorization" method for authorizing a transaction, involving: (a) sending contact information of a user (First Full Paragraphs 2 and 3, Page 11) (b) receiving the contact information and the personal data (First Full Paragraphs 2 and 3, Page 11); (c) storing the contact information (First Full Paragraph 2, Page 11); (d) initiating the transaction (Last Paragraph, Page 11); (e) sending an authorization request to the user (First Paragraph, Page 12); (f) the user receiving the authorization request (First Paragraph, Page 12); (g) the user sending a response to the authorization request (First Paragraph, Page 12); (h) the authorization agent receiving the response (First Paragraph, Page 12); (i) completing the transaction (First Paragraph, Page 12).

8. Consistent with Claim 18, my October 4, 1997 notebook entries describe a "SAFE CARD User Authorization" method for allowing only an owner to approve of a transaction, involving: (a) acquiring owner-unique contact information (First Full Paragraphs 2 and 3, Page 11); (b) receiving a request to authorize a transaction (Last Paragraph, Page 11); (c) using the

contact information to electronically send the request to the owner (First Paragraph, Page 12); (d) sending an approval response (First Paragraph, Page 12).

9. Consistent with Claim 39, my October 4, 1997 notebook entries describe a “SAFE CARD User Authorization” system as a method for verifying that an authorized entity is using a credit card through the internet, involving: (a) entering a password (First Paragraph, Page 12); (b) monitoring the latest Internet address where the authorized entity is visiting (Second Paragraph, Page 11: “credit card company also collects additional information . . . that [Credit Card Owner] wants to use when validating a transaction”); (c) receiving a request to authorize a transaction (Last Paragraph, Page 11); (d) comparing the Internet addresses and authorizing the transaction if matching (First Paragraph, Page 12: “If credit card owner approves purchase then credit card company . . . sends out approval”).

10. Consistent with Claim 41, my October 4, 1997 notebook entries describe a “SAFE CARD User Authorization” system as a method for verifying that an authorized entity is using a credit card through the internet, involving: (a) entering a password (First Paragraph, Page 12); (b) providing a predetermined purchase order information about a transaction (Second Paragraph, Page 11: “credit card company also collects additional information . . . that [Credit Card Owner] wants to use when validating a transaction”); (c) receiving a request to authorize a transaction (Last Paragraph, Page 11); (d) comparing the predetermined purchase order information with the actual purchase order information and sending a response (First Paragraph, Page 12: “If credit card owner approves purchase then credit card company . . . sends out approval”).

11. Consistent with Claim 42, my October 4, 1997 notebook entries describe a “SAFE CARD User Authorization” system as a method for authorizing use of a card by a non-user of the card, involving: (a) providing a card to a user, where the card is linked to a non-user of the card (First Paragraph, Page 12: “owner of the card will immediately know that someone is trying to use his card”); (b) using the card to conduct a transaction (Last Paragraph, Page 11, “When credit card is used . . . additional authorization is required from THE OWNER”); (c) sending an authorization request to a non-user of the card (Last Paragraph, Page 11: “communication route

has been established between card owner and card company”); (d) sending an authorization request to a non-user of the card to approve or deny (Page 12, First Paragraph: “The owner then responds by giving approval”).

12. Consistent with Claim 56, my October 4, 1997 notebook entries describe a “SAFE CARD User Authorization” system as a method for parties to authenticate a transaction, involving: (a) acquiring contact information for each party (First and Second Paragraphs, Page 11); (b) providing an authorization agent to acquire the corresponding contact information (Second and Third Paragraphs, Page 11); (c) sending an authorization request electronically from the authorization agent to the parties (First Paragraph, Page 12).

13. Consistent with Claim 59, my October 4, 1997 notebook entries describe a “SAFE CARD User Authorization” system for authorizing a transaction, involving: (a) a server of an authorization agent (Last Paragraph, Page 11: “credit card company or its authorizing 3rd party system”); (b) a card registered with the server (Second Paragraph, Page 11: “credit card company also collects additional information”); (c) a communication channel to contact an authorizing entity (First Paragraph, Page 12).

DILIGENCE

14. The person making this declaration declare(s) that there was either reduction to practice prior to the effective date(s) of the reference(s) or conception of the invention prior to the effective date(s) of the reference(s) coupled with diligence from prior to said date(s) to a subsequent:

- ☐ actual reduction to practice.
- ☒ filing of this application or the U.S. provisional application thereof.

15. Diligence with the invention between the time of conception and reduction to practice is demonstrated at a minimum with my aforementioned handwritten Notebook Entries discussing the invention dated October 4, 1997, November 20, 1997, November 28, 1997, December 5, 1997, January 17, 1998, March 6, 1998, March 20, 1998, April 14, 1998, May 21, 1998, May 24, 1998, June 25, 1998, July 19, 1998, September 3, 1998, September 12, 1998, November 26,

1998, December 9, 1998, January 14, 1999, February 6, 1999, March 22, 1999, May 26, 1999, July 7, 1999, August 1, 1999, August 3, 1999, October 2, 1999, and October 30, 1999.

Accordingly, the invention was disclosed in a U.S. provisional application, serial number 60/166,837, on November 22, 1999. During the time between notebook entries, I was involved almost every day in exploring ideas and dozens of avenues of how to best complete my invention. As is the case with all my inventions, the entries which are recorded in my notebook are summary points, the positive result of constant work to complete the invention. In the course of creating each element in the invention, to develop the right way to perform and configure the invention, numerous elements were explored and discarded along the way. In the time from my initial conception to the filing of the patent, I reviewed nearly a thousand pages of work papers. In addition to diligently working on the invention itself, I also did weekly research, including participating in meetings and interviews with experts and other individuals active and knowledgeable in the credit card transaction and security fields, researching the invention at libraries in periodicals, trade journals, research publications, and electronic research services, and drafting invention figures and descriptions. On average, I was involved in working on some aspect of my invention six days a week. I was constantly trying to complete my invention as quickly and as best as I could, being relentless in trying to make the invention perfect and complete in all aspects. I can with complete confidence declare that my activity on the invention towards a reduction to practice was reasonably continuous and ongoing between the time of conception and reduction to practice.

TIME OF PRESENTATION OF THE DECLARATION

(complete (a), (b), (c), or (d))

- (a) ☒ This declaration is submitted prior to final rejection.
- (b) ☐ This declaration is submitted before appeal and this application does not have a final rejection.
- (c) ☐ This declaration is submitted after final rejection but before or on the same date of filing an appeal. A showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented in compliance with 37 C.F.R. § 1.116(e) is submitted herewith.
- (d) ☐ This declaration is submitted after the prosecution is closed (e.g., after a final rejection, after appeal, or after allowance). The affidavit/declaration or other

evidence is filed with a request for continued examination (RCE) under 37 C.F.R. § 1.114.

DECLARATION

16. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

17. Inventor(s)

Full name of sole or first inventor: Harry Thomas Kloor

Inventor's signature Dr. Harry Kloor

Date 10-8-2007 Country or citizenship USA

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